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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/777,782

02/13/2004

Mario Mascheretti

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EXAMINER

SUTTON, ANDREW W

ART UNIT

PAPER NUMBER

3765

DATE MAILED: 09/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/777,782

Applicant(s)

MASCHERETTI ET AL.

Examiner

Andrew W. Sutton

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

Acknowledgment is made of applicant's claim for foreign priority based on an

DETAILED ACTION

Priority

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in EPO 034525193.4 on 3/27/03. It is noted, however, that applicant has not filed a certified copy of the 03425193.4 application as required by 35 U.S.C. 119(b).

Drawings

The drawings are objected to, as they do not show the connector 10 connecting to the duct 1 to a chute feed 12 as stated in line 1 of page 5. Secondly, the applicant fails to show axis X-X in figure 7 as stated in line 24 of page 4.

Specification

The specification is objected to as having the English spelling of words such as fiber (fibre). Correction is needed.

Claim Objections

Art Unit: 3765

Claims 4, 5, 7, 12, 14, 17, 27, 30, 31, 32, 34, 36, 39, 40 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim. See MPEP § 608.01(n).

The claims are also objected to as having the English spelling of words such as fiber (fibre). Correction is needed.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-40 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The applicant claims a means for deflecting 22 that deflects the stream of fiber. It is unclear to the examiner what structure of feature is causes the fibers to deflect from the moving along the Y-Y axis and down the Z-Z axis to exit out opening 20. The examiner understands that the "valley" formed at 28 would deflect some of the fibers from the very top of the duct downward, but it is not clear why the fibers would go to the opening 20 as opposed go with the airflow through to opening 16 especially in the uniform manner as claimed.

The applicant also uses the terms "essentially and approximately" in the claims, which are relative terms that render the claim indefinite. The terms "essentially and approximately" are not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-5, 7, 14-19, 21, 24-26, 29, 34-35, 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hijiya (US 3,157,440). Hijiya illustrates in Fig. 2 a connector for a duct of a pneumatic fiber feeding system including an upstream portion C and a duct D for feeding the carding machine. The device also comprises a means 7 for deflecting the fiber towards the side duct D. The longitudinal length of 7 is approximately equal to the footprint of said opening D, which would allot essentially uniform manner.

As to claim 2, Hijiya illustrates in Fig. 1 a downstream portion C for feeding subsequent fibers.

As to claim 4, Hijiya illustrates in Fig. 2 the deflection means 7 forming an obstacle to the stream of fibers. /

As to claim 5, it is inherent that the device of Hijiya meets the claim, as it states no structural limitations.

As to claim 7, Hijiya illustrates in Fig. 2 the connector having box like structure with a top wall 5 opposite the axis Y-Y which fibers goes through opening D.

As to claim 9, Hijiya illustrates in Fig. 2 the deflection means 7, which is able to deflect fibers in essentially a uniform manner to the carding machine.

As to claim 14, Hijiya illustrates in Fig. 2 a duct D having walls.

As to claim 15, Hijiya illustrates in Fig. 2 the side duct D is joined by upstream portion C by beveled wall 4.

As to claim 16, Hijiya illustrates in Fig. 2 the side duct D is joined by upstream portion C by a second beveled wall 8.

As to claim 17, Hijiya illustrates in Fig. 1 the connector feeding carding machine F.

As to claim 18, Hijiya illustrates in Fig. 1 a connector connected to a blower 1.

As to claim 19, it is inherent that a blower (above) has a fan.

As to claim 21, Hijiya illustrates in Fig. 2 a connector for a duct of a pneumatic fiber feeding system including and upstream portion C and a duct D for feeding the carding machine. The device also comprises a means 7 for deflecting the fiber towards the side duct D. The longitudinal length of 7 is approximately equal to the footprint of said opening D, which would allot essentially uniform manner as claimed. It is inherent

that the device of Hijiya meets has the plane M-M, as it states no structural limitations.

Hijiya illustrates in Fig. 2 the connector having box like structure with a top wall 5 opposite the axis Y-Y which fibers goes through opening D. Hijiya illustrates in Fig. 2 the deflecting means 7 being

As to claim 24, Hijiya illustrates in Fig. 2 a connector for a duct of a pneumatic fiber feeding system including an upstream portion C and a duct D for feeding the carding machine. The device also comprises a means 7 for deflecting the fiber towards the side duct D. The longitudinal length of 7 is approximately equal to the footprint of said opening D, which would allot essentially uniform manner. Hijiya illustrates in Fig. 2 the connector having box like structure with a top wall 5 opposite the axis Y-Y which fibers goes through opening D.

As to claim 25, it is inherent that the device of Hijiya meets the claim, as it states no structural limitations.

As to claim 26, Hijiya illustrates in Fig. 2 the connector having box like structure with a top wall 5 opposite the axis Y-Y which fibers goes through opening D.

As to claim 29, Hijiya illustrates in Fig. 2 the deflection means 7 which is able to deflect fibers in essentially a uniform manner to the carding machine.

As to claim 34, Hijiya illustrates in Fig. 2 the ducts D having a wall.

As to claim 35, Hijiya illustrates in Fig. 2 the side duct D is joined by upstream portion C by beveled wall 4.

As to claim 40, Hijiya illustrates in Fig. 1 the connector feeding the carding machine F.

Claims 3, 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hijiya (US 3,157,440) in view of Pinto (US 4,689,857). Hijiya discloses the device substantially above, but does not disclose the closing wall. Pinto illustrates (Fig. 2) a duct 54 including a closing wall 30 to channel fiber towards the carding machine. The wall 30 is perpendicular (also inclined) to the Y-Y axis as defined by the applicant. It would have been obvious for one of ordinary skill in the art to combine the teachings of Hijiya and Pinto as the closing the system with a vertical wall such as 30 would provide a easy way to close the system.

As to claim 39, Hijiya illustrates in Fig. 2 the side duct D is joined by upstream portion C by a second beveled wall 8.

Allowable Subject Matter

Claim 20 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claims 8, 10-13, 22-23, 26, 28, and 30-33 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Applicant teaches deflection means extending symmetrically with the center plane of the side duct, deflection means attached to the upper wall, and the deflection means including a step projecting from the upper wall in combination with a with the limitations of the independent claims is now shown in the prior art.

Conclusion

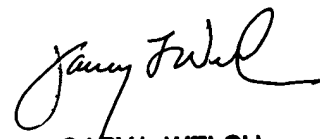
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached form PTO-892 for the pertinent art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew W. Sutton whose telephone number is (571) 272-6093. The examiner can normally be reached on Monday - Friday 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary L. Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AWS
30 August 2006


GARY L. WELCH
PRIMARY EXAMINER